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CPA 1600 \$

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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prior application of:

Alexandros MAKRIYANNIS et al

Application No.: 09/328,742

Examiner: PRYOR, A.N.

Filed: June 6, 1999

Group No.: 1616

For: INHIBITORS OF THE ANANDAMIDE TRANSPORTER AS ANALGESIC AGENTS

Box CPA

Commissioner For Patents

Washington, DC 20231

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL  
(37 C.F.R. § 1.53(d))

**NOTE:** A Continued Prosecution Application can only be used to file a divisional or continuation of a prior nonprovisional application and can NOT be used to file a continuation-in-part application. 37 C.F.R. § 1.53(d)(1).

## 1. This is a request for the filing of a

☒ Continuation☐ Divisional

Continued Prosecution Application under 37 C.F.R. § 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this Continued Prosecution Application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this Continued Prosecution Application. 37 C.F.R. § 1.53(d)(2)(v).

01/28/2003 EAREGAY1 00000001 09328742

01 FC:1006  
02 FC:1202750.00 OP  
36.00 SP

Express Mail Label No. EV 071483726 US

I hereby certify that this paper and the attachments enclosed herewith are being deposited with the United States Postal service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to the Box: CPA, Commissioner of Patents and Trademarks, Washington, DC 20231.

Date: JANUARY 24, 2003

DOTI ANN LEWIS

2. With respect to the above-identified prior nonprovisional application, this Continued Prosecution Application is being filed:

A. ☒ Before the earliest of the:

☐ Termination of the proceedings on the prior application (37 C.F.R. § 1.53(d)(1)(ii)C).

☐ Payment of the issue fee on the prior application (37 C.F.R. § 1.53(d)(1)(ii)(A)).

☒ Abandonment of the prior application (37 C.F.R. § 1.53(d)(1)(ii)(B)).

OR

B. ☐ After the payment of the issue fee - but a petition under § 1.313(b)(5) has been granted in the prior application. 1.53(d)(1)(ii)(A).

C. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
- Filing of this Continued Prosecution Application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
- Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).

3. **Extension of Time.**

*NOTE: "If an extension of time is necessary to establish continuity between the prior application and the CPA, the petition for extension of time should be filed as a separate paper directed to the prior nonprovisional application. However, a CPA is not improper simply because the request for a CPA is combined in a single paper with a petition for extension of time.*

*"If an extension of time directed to the prior application is filed as a separate paper, it must be accompanied by its own certificate of mailing under 37 CFR 1.8 (if mailed by First Class Mail) or under 37 CFR 1.10 (if mailed by Express Mail), of the benefits of those rules are desired." M.P.E.P. § 201.06(d), 7<sup>th</sup> ed.*

☒ The term for response or taking action in the prior application expires on January 26, 2003.

☐ No extension of time in the prior application appears necessary.

☒ A Petition for Extension of time in the prior application is:

☒ Filed concurrently in the prior application.

☐ Has been filed on \_\_\_\_\_.

A copy of the above Petition for Extension of Time is included with this application.

If an extension of time in the prior application is needed and such extension has not been filed, consider this a petition therefore.

**4. This Continued Prosecution Application names as inventors:**

☒ The same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.

☐ Fewer than all the inventors named in the prior application. 37 C.F.R. § 1.53(d)(4).

☐ Please delete the following name(s) as inventor(s), who are not inventor(s) of the invention being claimed in this new application:

\_\_\_\_\_  
\_\_\_\_\_

☐ Please add the following name(s) as inventors:

\_\_\_\_\_  
\_\_\_\_\_

☐ A Petition Under § 1.48 is attached.

**5. Amendment.**

☐ No amendment to the prior application is being submitted at this time.

☒ Attached hereto is a Preliminary Amendment to the prior application as it existed prior to the filing of this Continued Prosecution Application.

☐ Please enter in this Continued Prosecution Application the unentered Amendment under 37 C.F.R. § 1.116 filed in the prior application.

**6. Information Disclosure Statement.**

☐ Enclosed is an Information Disclosure Statement in accordance with the requirements of 37 C.F.R. § 1.98.

7. **Fee Calculation.**

A. ☒ Regular Application

**CLAIMS AS FILED**

<u>Number Claims Filed</u>	<u>Number Extra Claims</u>	<u>Large Entity Rate</u>	
BASIC FEE	37 C.F.R. § 1.16(a)		\$750.00
<u>Total Claims</u>	22 - 20 = 2	X \$18.00 =	\$36.00
<u>Independent Claims</u>	3 - 3 = 0	X \$78.00 =	\$0
<u>Multiple Dependent Claim(s), if any</u>			
	+	\$260.00	\$0

- ☐ An Amendment canceling extra claims is enclosed.
- ☐ An Amendment deleting multiple-dependencies is enclosed.
- ☐ The fee for extra claims is not being paid at this time.

B. ☐ Design Application Filing Fee Calculation \$

C. ☐ Plant Application Filing Fee Calculation \$

Filing Fee Calculation **\$786.00**

8. **Small Entity Statement(s).**

- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.
- ☐ Status as a small entity was claimed in prior application \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit is being claimed for this application under:  
35 U.S.C § ☐ 119(e), ☐ 120, ☐ 121, ☐ 365(c), and which status as a small entity is still proper and desired.
- ☐ A copy of the statement in the prior application is included.

9. **Fe Payment Being Made at This Time.**

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.
- ☐ Applicant hereby revokes the general authorization to pay fees filed in the prior nonprovisional application of which this is a Continued Prosecution Application.

*(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)*

☒ Enclosed

<input checked="" type="checkbox"/> Filing Fee	\$ <u>786.00</u>
<input type="checkbox"/> Recording Assignment (\$40.00-37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION.")	\$ _____
<input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.	
(\$130.00 – 37 C.F.R. §§ 1.47 and 1.17(i))	\$ _____
<b><u>Total Fees Enclosed</u></b>	<b>\$ <u>786.00</u></b>

10. **Method of Payment of Fees.**

- ☒ Check In The Amount Of \$ 786.00
- ☐ Charge Account No. \_\_\_\_\_ In The Amount Of \$ \_\_\_\_\_.

A duplicate copy of This Transmittal is Attached.

11. **Authorization to Charge Additional Fees.**

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. **16-2563**
- ☒ 37 C.F.R. § 1.16
- ☒ 37 C.F.R. § 1.17
- ☐ 37 C.F.R. § 1.18

12. **Instruction as to Over-Payment.**

☒ Credit Account No. 16-2563.

☐ Refund.

13. **Change of Correspondence Address Since Filing of Parent Application.**

☒ All correspondence in this Continued Prosecution Application should be directed to the address established in prior application.

☐ A change of correspondence address is included with this Continued Prosecution Application. Please direct all correspondence to the address provided below.

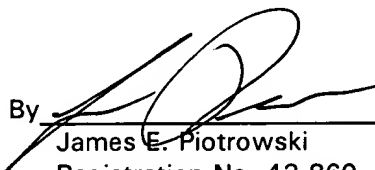
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**Respectfully submitted,**

Alexandros MAKRIYANNIS et al

By 

James E. Piotrowski  
Registration No. 43,860  
Alix, Yale & Ristas, LLP  
Attorney For Applicant

DATE: 1/24/2003  
750 Main Street  
Hartford, CT 06103-2721  
(860) 527-9211